

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE AS TO
	:	SPECIFIC PROPERTY/
PATRICK COLBY WALSH,	:	<u>MONEY JUDGMENT</u>
	:	
Defendant.	:	S1 18 Cr. 415 (KPF)
	:	
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WHEREAS, on or about January 11, 2019, PATRICK COLBY WALSH (the “Defendant”) was charged in a Superseding Information S1 18 Cr. 415 (KPF) (the “Information”), with conspiracy to distribute and possess with intent to distribute (a) 500 grams and more of methamphetamine, its salts, isomers, or salts of its isomers; (b) 10 grams and more of mixtures and substances containing a detectable amount of lysergic acid diethylamide (LSD); (c) mixtures and substances containing a detectable amount of 3,4-methylenedioxy-methamphetamine (MDMA); (d) mixtures and substances containing a detectable amount of gamma hydroxybutyric acid (GHB); (e) mixtures and substances containing a detectable amount of oxycodone; (f) mixtures and substances containing a detectable amount of psilocybin; (g) mixtures and substances containing a detectable amount of marijuana; (h) mixtures and substances containing a detectable amount of ketamine; (i) mixtures and substances containing a detectable amount of alprazolam; and (j) mixtures and substances containing detectable amount of klonopin, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(E) and (b)(2) (Count One);

WHEREAS, the Information included a forfeiture allegation seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property

constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about April 10, 2018, the Government seized \$127,770.00 in United States currency from the Defendant at the time of arrest (the “Specific Property”);

WHEREAS, on or about January 11, 2019, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Government asserts that \$127,770.00 in United States currency, represents the property constituting, or derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$127,000.00 in United States currency pursuant to Title 21, United States Code, Section 853, representing the amount of property constituting, or derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Government asserts that the Specific Property represents property constituting, or derived from proceeds personally obtained by the Defendant, directly or indirectly, as a result of the commission of the offense charged in Count One of the Information; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, with the exception of the Specific Property, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained and the property used in the offense charged in Count One of the Information cannot be located upon the exercise of due diligence; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$127,770.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense

charged in Count One of the Information, that the Defendant personally obtained, shall be entered against the Defendant.

2. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture as to Specific Property /Money Judgment is final as to the defendant, PATRICK COLBY WALSH, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

5. United States Customs and Border Protection shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon entry of this Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

7. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the

Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

8. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

9. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

11. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

13. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

14. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture as to Specific Property/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
September 29, 2020

SO ORDERED:

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HONORABLE KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE